

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS EUGENE HOLDEN # 457855,

Petitioner,
v. Case No. 14-13701

THOMAS MACKIE,

Respondent.

/

OPINION AND ORDER DENYING PETITIONER'S MOTION FOR A CERTIFICATE OF APPEALABILITY AND REQUEST FOR APPOINTMENT OF COUNSEL

On November 4, 2019, the court entered an opinion and order denying the petition for writ of habeas corpus filed by Petitioner Thomas Holden. (ECF No. 23.) In that order, the court specifically declined to issue a certificate of appealability. (*Id.* at PageID.1014–15.) Months later, Petitioner filed the instant motion for a certificate of appealability and a separate request for appointment of counsel.

A motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Indah v. U.S. Sec. & Exch. Comm'n*, 661 F.3d 914, 924 (6th Cir. 2011). Such is the case here; Petitioner's motion simply rehashes his earlier arguments raised in his original petition. Petitioner's request for reconsideration of the court's earlier order denying a certificate of appealability is both untimely and fails to demonstrate a palpable defect by which the court has been misled or that a different disposition must result from a correction thereof. E.D. Mich. LR 7.1(h)(3). Accordingly,

IT IS ORDERED that Petitioner's motion for a certificate of appealability (ECF No. 29) is DENIED.

IT IS FURTHER ORDERED that Petitioner's request for appointment of counsel (ECF No. 30) is DENIED.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 11, 2020

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 11, 2020, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

S:\Cleland\Cleland\HEK\Staff Attorney\14-13701.HOLDEN.coa.appoint.counsel.BH.HEK.docx